PATENT 09/213,856

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Before the Examiner:

Scott A. Morgan et al.

Angela Armstrong

Serial No.: 09/213,856

Group Art Unit: 2654

Filed: December 17, 1998

Intellectual Property

Title: SPEECH COMMAND INPUT :

Law Department - 4054

RECOGNITION SYSTEM FOR

International Business

INTERACTIVE COMPUTER DISPLAY :

Machines Corporation 11400 Burnet Road

WITH INTERPRETATION OF

Austin, Texas

ANCILLARY RELEVANT SPEECH QUERY TERMS INTO COMMANDS

Date:

I hereby certify that this correspondence including a Response and an accompanying Terminal Disclaimer is being transmitted via facsimile to USPTO, Group Art Unit 2654 at telephone number 703-872-9306, and to the attention of Examiner A. Armstrong on October 6, 2004.

Signazure

RESPONSE

Commissioner for Patents

P.O.Box 1450

Alexandria, VA 22313-1450

Sir:

This is response to the Decision on Appeal (No. 2004-0143) mailed September 22, 2004 reversing the rejection of claims 1-3, 5-8, 10-13, and 15 under 35 U.S.C. 103.

These claims remain provisionally rejected based upon obvious type double patenting over the combination copending Application SN. 09/213.858 in view of Morin et al... The

AT9-98-343

PATENT 09/213,856

Examiner indicated that this rejection will be withheld until conflicting claims are found to be allowable.

Since, there is a common assignee of the cited application and the present application. Applicants indicated in their Brief on Appeal that assignee is prepared to submit an appropriate Terminal Disclaimer in the present Application.

During the pendency of the Appeal in the present Application, the claims of copending Application were found to be allowable. Accordingly, the accompanying Terminal Disclaimer is submitted disclaiming the terminal part of the statutory term of any patent granted on the present Application which would extend beyond the expiration date of the full statutory term of copending U. S. Patent Application, Serial No. 09/213,858 filed December 15, 1998.

Applicants respectfully request that the attached terminal disclaimer be entered, and claims 1-3, 5-8, 10-13, and 15 be allowed.

Respectfully submitted.

Registration No. 19,226 Attorney for Applicants

(512) 473-2303

PLEASE MAIL ALL CORRESPONDENCE TO:

Mark S. Walker
IPLaw Dept. - IMAD 4054
IBM Corporation
11400 Burnet Road
Austin, Texas 78758

AT9-98-343